

### **Notice of Non-Responsive Reply**

It is also noted that the newly added claims appear to in some cases be identical to the claims canceled in the instant amendment, for example independent claims 43, 49, and 57.

Reinstatement of claim is generally reserved for previously canceled claims.

*“Reinstatement of previously canceled claim. A claim which was previously canceled may be reinstated only by adding the claim as a “new” claim with a new claim number.”* 37 CFR 1.121(c)(5) (emphasis in original)

“Newly Added” claim 32 also appears to be similar to claim 1 with a slight amendment to the preamble. It is requested that in future amendments that applicant submit these type of amendments by amending the instant claims instead of canceling and reinstating the in order to reduce any confusion that may arise in the prosecution history.

The statement:

Applicants have made note of the Examiner’s request to amend the instant claims instead of adding new claims. With respect to any future amendments, Applicants wish to note that they will make every effort to satisfy this request by amending the instant claims instead of adding new claims.

Does not correct applicants claims as applicants claims have been resubmitted in the exact same form with no attempt to correct the issues at hand with regard to the improper amendment.

Failure to comply in the future may result in the abandonment of this application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cory C. Bell whose telephone number is (571) 272 2736. The examiner can normally be reached on m-f 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272 4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charles Rones/  
Supervisory Patent Examiner, Art Unit 2164